

REMARKS

Claims 1-11 are pending in the above-identified application. Claim 5 has been amended completely consistent with the original scope of this claim so as to remove the basis for the rejection under 35 USC 112 as discussed in detail below. Formulas I, III, and IV have been corrected so as to remove the inadvertent fourth bond to the bridging nitrogen atom.

Request for Entry of Claim Changes

It is respectfully requested that the above-noted changes to the claims be entered of record pursuant to 37 CFR 1.116(b). It is noted that Formulas I, III and IV have been corrected so as to remove the inadvertent fourth bond to the bridging nitrogen atom. Also, the formula of claim 5 has been amended, such that this claim is now a proper independent compound claim which does not depend upon method claim 4. It is submitted that these changes reply to requirements of form and resolve outstanding issues by removing the bases for the rejections under 35 USC 112 and 102(b), without raising any new substantive issues. Thus, these changes to the claims at least place the claims into better form for consideration on appeal, should an appeal be necessary.

Removal of Rejection under 35 USC 112

Claim 5 has been rejected under 35 USC 112, second paragraph as being indefinite, because this compound claim depends upon method claim 4. Claim 5 has been amended so as to be an independent form, such that this claim is now a completely proper compound claims. Thus, the rejection against claim 5 should be withdrawn.

Removal of Rejection under 35 USC 102(b)

Claim 5 has been rejected under 35 USC 102(b) as being anticipated by Heinbach '605 (USP 2,444,605) and the compound of Registration No. 856864-36-3 from the STN Search results. This prior art has been cited against the compounds of Formula III which was previously encompassed by claim 5. Claim 5 has been amended such that this claim is directed only to

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compounds of Formula IV. Thus, the basis for this rejection has been removed and it is respectfully requested that this rejection be withdrawn.

Request for Re-Joinder of Claims 7-9

It is respectfully requested that the Patent Examiner consider re-joinder of presently withdrawn claims 7-9 to the allowed claims 1-4, 6, 10 and 11. It is submitted that claims 7-9 raise no new significant substantive issues outside of the issues addressed for these allowable claims. It is also respectfully submitted that it would be proper to include claims 7-9 with the presently allowable claims under applicable unity of Invention Rules.

It is submitted for the reasons above that the present claims define patentable subject matter such that this application should now be placed in condition for allowance.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By _____


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